

## REMARKS/ARGUMENTS

### *Claim Objections*

The examiner has objected to claim 21 because of informalities. Claim 21 has been amended to recite “step” in lines 11 and 13.

The examiner has objected to claims 23, 30 and 35 for reciting to “said crown” without antecedent basis. It is respectfully submitted that claim 22 (upon which claims 23, 30 and 35 depend), depends on claim 21 which recites the limitation “a crown.” Therefore, because claim 22 depends on claim 21 and claims 23, 30 and 35 depend on claim 22, there is sufficient antecedent basis for “said crown.”

It is believed that these amendments and remarks are fully responsive to the examiner’s concerns.

### *Claim Rejections – U.S.C. § 102*

The examiner has rejected claim 21 under 35 U.S.C. § 102(e(1)) as being unpatentable over Abaev (U.S. Design No. 499,981).

Base independent claim 21 has been amended to recite a “brilliant cut crown” and a “step cut pavilion.” Support for this disclosure can be found throughout the specification (see, e.g., specification, page 7 line 26). Abaev does not teach a mixed cut gemstone having a brilliant cut crown or a step cut pavilion.

### *Claim Rejections – U.S.C. § 103*

The examiner has rejected claims 22-37 under 35 U.S.C. § 103(a) as being unpatentable over Abaev, in view of Kejejian (U.S. Patent No. 6,449,985). The examiner has also rejected claims 38-40 under 35 U.S.C. § 103(a) as being unpatentable over

Abaev, in view of Kejejian, and in further view of Grossbard, (U.S. Patent No. 4,555,916).

As set forth above, base independent claim 21 has been amended to recite a “brilliant cut crown” and a “step cut pavilion.” Support for this disclosure can be found throughout the specification (see, e.g., specification, page 7 line 26).

Applicant submits that claims 22-40 are patentable over Abaev, Kejejian and Grossbard -- either taken alone or in combination -- based on their dependence upon base independent claim 21.

Abaev, Kejejian and Grossbard do not disclose a brilliant cut crown or a step cut pavilion.

Since Abaev, Kejejian and Grossbard do not disclose a brilliant cut crown or a step cut pavilion, Applicant believes that base independent claim 21 is patentable over Abaev, Kejejian and Grossbard -- either taken alone or in combination -- on at least this basis.

## CONCLUSION

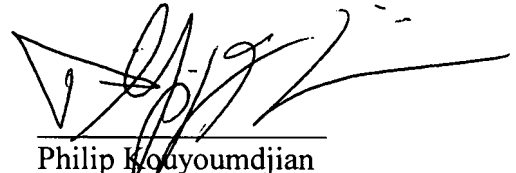
Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

Applicant respectfully requests a three-month extension of time and authorizes the examiner to charge \$525 to Deposit Account No. 06-0515. The Examiner is further hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,  
Feldman Law Group P.C.

By:



Philip Kouyoumdjian  
Reg. No. 56,397  
(212) 532-1730